

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jodi Donaldson, as Personal Representative of)
the Estate of Corey Kissling, and Jodi)
Donaldson,)

Plaintiffs,)

Vs)

Airport Properties, Inc. and SandCastle Resort)
at the Pavilion, LLC,)

Defendants.)
_____)

C/A No.: 4:09-CV-01108-JMC

ORDER APPROVING SETTLEMENT

THIS MATTER comes before the Court upon the attached and duly verified Petition of Jodi Donaldson, Personal Representative of the Estate of Corey E. Kissling, deceased, pursuant to §15-51-20 and Title 62 of the Code of Laws of South Carolina (1976, as amended), for an Order authorizing the settlement of a claim for wrongful death and the settlement of a claim for pain and suffering of Corey E. Kissling.

The records show that Corey E. Kissling was a resident Hocking County, State of Ohio, and died as a result of injuries received following an incident which occurred on or about June 11, 2008, in Horry County, South Carolina. This action is presently pending before the Court by way of Diversity Jurisdiction. This Court has authority and jurisdiction to make findings in this matter.

The Petitioner states that after investigating the facts and circumstances of this matter, there is great doubt as to the extent of the recovery that can be made against Airport Properties, Inc. and Sandcastle Resort at the Pavilion, LLC over the amount of the offer of settlement. Airport Properties, Inc. and Sandcastle Resort at the Pavilion, LLC, while not admitting liability or responsibility for this accident but purely by way of compromise and settlement, has offered,

through their liability insurance carrier, One Hundred Twenty-Five Thousand and No/100 (\$125,000.00), to settle any and all claims arising out of the death of Corey E. Kissling in liability coverage of policy number P.630-203X4871-TCT-07 for any and all claims for the alleged wrongful death and any and all claims for the pain and suffering, if any, of Corey E. Kissling. The Petitioner has prayed for this Court to inquire into the matters involved herein and to issue an Order approving the settlement and authorizing the Petitioner to execute a General Release as Personal Representative of the Estate.

After reading and filing the Petition and in consideration of the things and matters set forth herein, and discussing this matter with the Petitioner, I have reached the conclusion that it would be to the best interest and advantage of the Estate of Corey E. Kissling, his heirs at law and beneficiaries under the Wrongful Death Act, for the Petitioner, as Personal Representative of the Estate to accept the settlement offer made herein and to distribute the settlement proceeds according to statute.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the settlement offer made herein be, and the same hereby is, approved. It is,

FURTHER ORDERED, ADJUDGED AND DECREED, that the sum of One Hundred Twenty Thousand and No/100 (\$120,000.00) Dollars of the settlement proceeds is in settlement of the claim for wrongful death and shall be disbursed in accordance with the provisions of §15-51-20 and Title 62 and of the Code of Laws of South Carolina (1976, as amended) and Five Thousand and No/100 (\$5,000.00) of the settlement proceeds is in settlement of any claim which might exist for pain and suffering and shall also be disbursed according to statute. It is,

FURTHER ORDERED, ADJUDGED AND DECREED, that upon receipt of

said settlement sum, Jodi Donaldson, as Personal Representative of the Estate of Corey E. Kissling, shall execute a good and sufficient General Release as to Airport Properties, Inc. and Sandcastle Resort at the Pavilion, LLC and The Travelers Indemnity Company of Connecticut, their respective heirs, administrators, executors, assigns, successors, agents, servants, subsidiaries, affiliates, directors, officers, employees and any other persons, firms or corporations chargeable with liability on their account as a result of this accident. It is,

FURTHER ORDERED, ADJUDGED AND DECREED, that upon such settlement being made, Airport Properties, Inc. and Sandcastle Resort at the Pavilion, LLC, The Travelers Indemnity Company of Connecticut and the law firm of Aiken, Bridges, Elliott, Tyler & Saleeby, P.A. shall not be responsible for the disbursement or expenditure of said funds.

AND IT IS SO ORDERED.



THE HONORABLE J. MICHELLE CHILDS
UNITED STATES DISTRICT COURT
FLORENCE DIVISION

Florence County, South Carolina

April 23, 2012